



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 4

WOLF GREENFIELD & SACKS, PC
FEDERAL RESERVE PLAZA
600 ATLANTIC AVENUE
BOSTON, MA 02210-2211

COPY MAILED

JUN 05 2002

In re Application of
David A. Evans
Application No. 10/007,055
Filed: December 6, 2001
Attorney Docket No.
E0353/7005/PCL

:
:
:
:
:
:

OFFICE OF PETITIONS
DECISION GRANTING PETITION

This is a decision on the Petition for Filing Date based upon an Express Mailing Certificate under 37 CFR 1.10(a), filed on April 22, 2002, requesting that the above-identified application be accorded a filing date of December 6, 2001, rather than the presently accorded filing date of November 6, 2001.

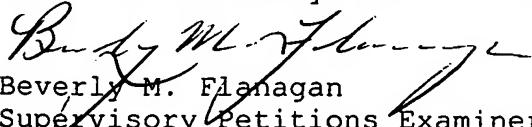
The Petition is granted.

Petitioner alleges the application was deposited in "Express Mail" service with the U.S. Postal Service, on December 6, 2001. In support, the petition is accompanied by a copy of the Express Mail mailing label, receipt no. EL844534986US, indicating a "date-in" of December 6, 2001. Additionally, the Application Transmittal Form identifies that the above-identified application, with attorney docket number E0353/7005/PCL, was deposited via Express Mail with the same Express Mail mailing label, receipt no. EL844534986US.

The Office considers the date the correspondence is shown to have been deposited as "Express Mail" to be the "date-in" on the Express Mail mailing label. See MPEP §513. The date indicated on the "date-in" on the Express Mail mailing label verifies that the package was actually mailed. In view of the above, the evidence is convincing that the application was deposited as "Express Mail" with the US Postal Service on December 6, 2001. Accordingly, the application is accepted as filed on December 6, 2001.

The application is being forwarded to Office of Initial Patent Examination for further processing, including the mailing of a corrected filing receipt with a filing date of December 6, 2001.

Telephone inquiries concerning this matter may be directed to Petitions Attorney Derek L. Woods at 703-305-0014.


Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy